

REMARKS

I. Status of Claims

Claims 18-36 are currently pending in this application. Claim 18 is independent.

Claims 18-36 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ono (USP 6,378,637) (hereinafter “Ono”).

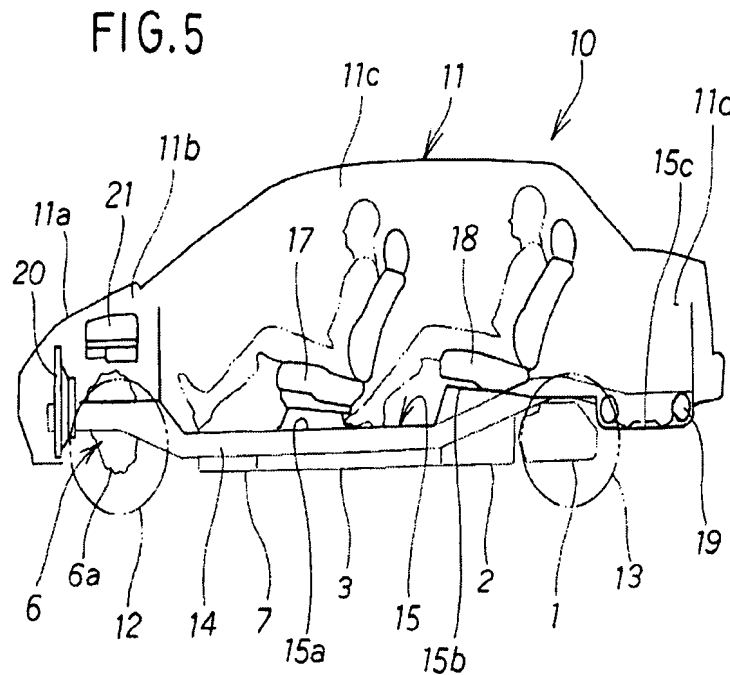
The Applicant respectfully requests reconsideration of the rejections in view of the following remarks.

II. Pending Claims

Claims 18-36 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Ono.

The Applicant respectfully submits that claim 18 is patentable over Ono at least because it recites, “a fuel cell that generates electricity through a reaction of fuel gas and oxidation gas, wherein the fuel cell is disposed on the floor panel so as to be in the vehicle passenger room in a temperature conditioned environment.” (emphasis added)

Ono simply fails to disclose a fuel cell that is disposed on the floor panel so as to be in the vehicle passenger room. The “Response to Arguments” section of the Office Action states, “the Examiner wants to point out to the applicant that the fuel cell in figure 5, element 3 is undeniably disposed on the floor.” While this can be argued, it still does not address the fact that the fuel cell 3 of FIG. 5 is not located within the vehicle passenger room as required by Applicant’s claim 18. For example, as seen in FIG. 5 of Ono (reproduced in its entirety herein below), and as discussed in col. 2, lines 34-43 of the specification, the fuel cell 3 and storage battery 7 are disposed below the floor panel. This figure and description clearly show and/or describe a fuel cell 3 that is disposed below the floor panel. Thus, the fuel cell of Ono is exposed to dust or slop while the vehicle is running. This drawback of conventional fuel cell equipped vehicles is exactly the problem that certain embodiments of the present invention are purporting to address.



In the rejection of claim 18, the Office Action states the following:

“Regarding **claim 18**, Ono discloses a floor panel that separates an inside of a vehicle, which is a vehicle passenger room, from an outside of the vehicle (fig 5, element 15A), a fuel cell that generates electricity through a reaction of fuel gas and oxidation gas, wherein the fuel cell is disposed on the floor panel so as to be in the vehicle passenger room (fig 5, element 3), however Ono lacks the teaching of the fuel cell disposed on the floor panel so as to be in the vehicle passenger room in a temperature conditioned environment and the vehicle passenger room being equipped with a cooling/heating system, however examiner disagrees with applicant. Having a passenger room equipped with a heating and air conditioning system in a temperature-conditioned environment is notoriously old and well known within the vehicle art. A heating and conditioning system within the vehicle provides comfort to the passenger while driving the vehicle.” (only underlining, not bold, added by Applicant for emphasis) See ¶ of Office Action bridging pages 2 and 3.

While the rejection alleges that the claim language regarding a temperature conditioned environment is obvious, it glosses over the language “...the fuel cell is disposed on the floor

panel so as to be in the vehicle passenger room...,” and erroneously implies that FIG. 5, element 3, shows such an arrangement.

The Office Action erroneously addresses at least several other limitations of Applicant’s claims, as follows:

i. The Office Action states, “Regarding claim 19, Ono discloses wherein the fuel cell is disposed in a fuel cell recess portion of the floor panel (fig 5, element 3).” **The Applicant respectfully submits that FIG. 5 does not disclose a recess.**

ii. The Office Action states, “Regarding claim 21, Ono discloses, further comprising a storage battery for storing electric energy, wherein the storage battery is disposed in the vehicle passenger room (fig 3, element 7).” **The Applicant respectfully submits that element 7 is not disposed within the vehicle passenger room.**

iii. The Office Action states, “Regarding claims 22,26,28 and 30 Ono discloses, wherein the fuel cell is so formed as to be higher than the storage battery (fig 5, elements 3 and 7).” **The Applicant respectfully submits that in FIG. 5, elements 3 and 5 are the same height.**

iv. The Office Action states, “Regarding claim 25, Ono discloses wherein the fuel cell is disposed below the front seats (fig 5, element 3) and the storage battery is disposed at a position corresponding to feet of passengers seated in rear seats (fig 5, element 7)...,” and “Regarding claim 27, Ono discloses wherein the fuel cell is disposed at a position corresponding to feet of passengers seated in rear seats and the storage battery is disposed below front seats (fig 5,element 7).” **The Applicant respectfully submits that in FIG. 5 the storage battery is located in front of the fuel cell (which is located under the front seats). Therefore, it is unclear how FIG. 5 teaches and/or suggests all of the limitations of claims 25 and 27.**

The Applicant respectfully submits that since several limitations have not been addressed, the finality of the of the September 21, 2007 Office Action should be removed. Pursuant to the requirement of section 706.07 of the MPEP, the Applicant is entitled to a full hearing and that

issues between the Applicant and Examiner should be developed before an appeal. Therefore, the Applicant respectfully requests that withdrawal of the finality of the rejection is in order.

Further, lacking any teaching and/or suggestion of each and every limitation of Applicant's claims, the Applicant respectfully submits that claim 18, as well as its dependent claims, are patentable over the cited references.

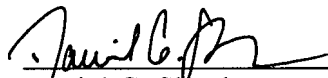
III. Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: November 15, 2007

By: 
Daniel G. Shanley
(Reg. No. 54,863)

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201